

Senate File 343 - Introduced

SENATE FILE _____
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 1213)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to local regulation of certain lawn applications.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2146SV 83
4 tm/sc/5

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1 1 Section 1. Section 200.22, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. The Except as provided in subsection 2A, the provisions
1 4 of this chapter and rules adopted by the department pursuant
1 5 to this chapter shall preempt local legislation adopted by a
1 6 local governmental entity relating to the use, sale,
1 7 distribution, storage, transportation, disposal, formulation,
1 8 labeling, registration, or manufacture of a fertilizer or soil
1 9 conditioner. A local governmental entity shall not adopt or
1 10 continue in effect local legislation relating to the use,
1 11 sale, distribution, storage, transportation, disposal,
1 12 formulation, labeling, registration, or manufacture of a
1 13 fertilizer or soil conditioner, regardless of whether a
1 14 statute or rule adopted by the department applies to preempt
1 15 the local legislation. Local legislation in violation of this
1 16 section is void and unenforceable. However, local legislation
1 17 adopted pursuant to subsection 2A is not considered to be in
1 18 violation of this section.

1 19 Sec. 2. Section 200.22, Code 2009, is amended by adding
1 20 the following new subsection:
1 21 NEW SUBSECTION. 2A. A city may adopt local ordinances
1 22 regulating the use of lawn applications containing phosphorus
1 23 on property zoned for residential use and property zoned for
1 24 commercial use which is used for residential purposes provided
1 25 the adopted local ordinances are not less stringent than
1 26 applicable state law or rules adopted by the department. A
1 27 city may adopt such an ordinance only upon finding that the
1 28 use of lawn applications containing phosphorus presents a
1 29 significant potential risk to the water quality of a water of
1 30 the state, as that term is defined in section 455B.171. This
1 31 subsection shall not apply to property zoned for commercial or
1 32 residential use if the property is used for agricultural
1 33 purposes.

EXPLANATION

1 35 This bill relates to local regulation of certain lawn
2 1 applications.

2 2 The bill allows cities to adopt local ordinances regulating
2 3 the use of lawn applications containing phosphorus on
2 4 residentially zoned property and commercially zoned property
2 5 used for residential purposes provided the adopted local
2 6 ordinances are not less stringent than applicable state law or
2 7 rule. Such ordinances shall not apply to property zoned for
2 8 residential or commercial use if the property is used for
2 9 agricultural purposes. The bill provides that a city may
2 10 adopt such an ordinance only upon finding that the use of lawn
2 11 applications containing phosphorus presents a significant
2 12 potential risk to the water quality of a water of the state.
2 13 LSB 2146SV 83
2 14 tm/sc/5